IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 31687 of 1997

Between:

M/s Pawan Mosiac Tiles Industries Rep by Manager, A.K.Agarwal
138-A, Light Industries Area. , Bhilai,
Madhya Pradesh.

..... PETITIONER

AND

1 Commissioner of Prohibition & Excise, Andhra Pradesh
Hyderabad.
2 Prohibition & Excise Superintendent, Vishakapatnam,
Vishakapatnam Dist.
3 Sub Divisional Prohibition & Excise Officer, Chodavaram
Vishakapatnam Dist.
4 Chodavaram Co-operative Sugars Ltd. Rep by Managing Director
No. B-1109, Govada, Chodavaram Mandal,
Vishakapatnam Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate order, direction or a writ particularly one in the nature of Writ of mandamus declaring that the demand of Administrative charges @ Rs.25/- per metric tone on Molasses purchased and transported from Andhra Pradesh to Madhya Pradesh State and insistence on taking Escort with each tanker lorry transporting Molasses by the petitioner are illegal, and without jurisdiction apart from being violative of Art.19(1)(g) of the constitution of India.

Counsel for the Petitioner : Mr.KOKA RAGHAVA RAO

Counsel for the Respondents 1 to 3 : GP FOR PROHIBITION & EXCISE
Counsel for the Respondent No.4 : None appeared

The Court made the following :

ORDER:

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It is represented by the learned counsel for the petitioner and admitted to by the learned Government Pleader for Prohibition and Excise that the subject matter in this writ petition is squarely covered by a Division Bench judgment of this Court dated 08-05-2001 in W.A.No.2209 of 1998 and batch, wherein it was held. –

> "In view of what is stated above, while we uphold the argument that the State is not debarred from making any legislation with regard to the molasses, we hold that since no such legislation has been made by the State of A.P., regarding the subject of molasses, the impugned orders of the respondents are unconstitutional, illegal and nonest.
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> Accordingly, the Writ Appeals are dismissed and the Writ Petitions are allowed".

Recording the above submission and following the ratio in the aforementioned judgment, this Writ Petition is also allowed. Office is directed to annex a copy of the judgment in W.A.No.2209 of 1998 and batch, dated 08-05-2001, to this order. No costs.

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N.V. RAMANA, J

Date: 5.4.2005

DA/SVV

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this Tuesday, the Fifth day of April, Two thousand Five.

To

1 Commissioner of Prohibition & Excise, Enclosed along
Andhra Pradesh, Hyderabad. with copy of
2 Prohibition & Excise Superintendent, judgment dated
Vishakapatnam, Vishakapatnam Dist. 8.5.01 made in
3 Sub Divisional Prohibition & Excise Officer, W.A.No.2209/98.
Chodavaram, Vishakapatnam Dist.
4 The Managing Director, Chodavaram
Co-operative Sugars Ltd. No. B-1109, Govada,
Chodavaram Mandal, Vishakapatnam Dist.

5 Two CCs to the G.P. for Proh. & Excise, High Court
Buildings, Hyderabad (OUT).

6 Two CD copies.